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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,238	01/30/2002	Mehmet Sayal	10010317-1	2777

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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Fort Collins, CO 80527-2400

EXAMINER

BORLINGHAUS, JASON M

ART UNIT	PAPER NUMBER
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3693

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/066,238	Applicant(s) SAYAL ET AL.	
	Examiner JASON M. BORLINGHAUS	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

The examiner for this application has changed. Please indicate Examiner Jason Borlinghaus as the examiner of record in all future correspondences.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 14 and 18 – 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8 claims "at least one internal business process" while Claims 21 – 22 claims "interactions among [multiple] business processes." Should Claims 1 and 8 claim "at least two internal business processes" to allow for the dependent claims.

Claim 20 claims performing a function based upon whether a response is or is not expected. As the claim is silent as to the criteria for such a determination is deemed subjective.

Another concern is that when a response is expected, the system waits for the response before returning control to the workflow server. Is Examiner to assume that if the expected response never arrives, then the workflow server never regains control? What if it is just a very long delay, does the system just stop until a response arrives?

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Dependent claims are rejected based upon their dependency to prior rejected claims.

Correction is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 5, 8 – 14 and 21 - 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chehade (US PG Pub. 2002/0128946).

Regarding Claims 1 – 5 and 21, Chehade discloses a method for enabling at least one business process (trading participant) that uses a first data representation (first format) and that includes at least one activity that involves a trading partner to communicate with the trading partner through an interaction standard comprising the steps of: (see para. 33)

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- receiving a message (business process data) having the first data representation (first format) from the business process (trading participant). (see para. 33);
- automatically converting the message (business process data) having the first data representation (first format) into a corresponding message having the communication format specified by the interaction standard (second format). (see para. 33);
- receiving a message (business process data) in the communication format (second format) from the trading partner. (see para. 33);
- automatically converting the received message (business process data) having the communication format specified by the interaction standard (second format) into a corresponding message (business process data) having the first data representation (first format). (see para. 33);
- wherein the interaction standard is one of a business-to-business standard (RosettaNet). (see para. 15 – 17);
- wherein the interaction standard is one of RosettaNet business-to-business interaction standard. (see para. 15 – 17);
- wherein the business process (trading participant) includes at least one workflow. (see para. 16); and
- wherein the interaction standard (RosettaNet) defines syntax (grammar) and flow of interactions (sequence validation) among business processes (trading participants). (see para. 82)

Chehade does not explicitly teach that the business process is internal. However, whether the business process is internal or external does not change the function of the claimed methodology, as the same functions are performed regardless of whether the business process is internal or external.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the business process internal by combining the process manager and one of the trading partners, as disclosed by Chehade, into one unit since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893); *In re Larson, Russler & Meldahl*, 340 F.2d 965, 967, 144 USPQ 347, 349 (CCPA 1965).

Regarding Claims 8 – 14 and 22, such claims recite substantially similar limitations as claimed in previously rejected claims and, therefore, would have been obvious based upon previously rejected claims or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Claims 6 – 7 and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chehade, as applied to Claims 1 - 2 and 8 above, and further in view of Bhatt (US PG Pub. 2003/0101169) and Saito (Patent 6,032,124).

Regarding Claim 18, Chehade discloses a method wherein the step of automatically converting the received message (business process data) having the

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communication format (second format) specified by the interaction standard into the corresponding message (business process data) having the first data representation (first format) includes the steps of: (see para. 33)

- retrieving a service name (sender identifier) and queries (business process data). (see para. 55 – 57 and 80 - 84);
- parsing the request and extracting data. (see para. 80 - 84);
- starting the service (validation process) and passing data (to process module). (see para. 80 – 84);
- obtaining service (validation) results. (see para. 80 – 84);
- preparing a response (converting message). (see para. 84 – 85); and
- sending the message (transmits message). (see para. 84 - 85).

Chehade does not teach a method wherein the steps include retrieving an extensible-markup query language (XQL) queries; retrieving an extensible markup language (XML) template; preparing an XML response; sending the XML message; and returning control to a workflow server, although Chehade does disclose that the business processes' activities are dictated by workflow. (see para. 16).

Bhatt discloses a method wherein the steps include:

- retrieving extensible-markup query language (XQL) queries. (see para. 36 & 72); parsing the request and extracting data (see para. 36 & 72);
- starting the service (retrieval) and passing data (to Path Processor). (see para.33 - 36);
- obtaining service results (retrieved data). (see para. 74);

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- retrieving an extensible markup language (XML) template. (see para. 74 – 75);
- preparing an XML response (XML document). (see para. 74); and
- sending the XML message. (see para. 67).

Saito discloses a workflow server.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chehade by incorporating the data storage and retrieval formats, as disclosed by Bhatt, thereby allowing for usage of conventional and standard data storage formats.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chehade and Bhatt by incorporating a workflow server, as disclosed by Saito, thereby designating an automated server to manage the workflow information already addressed by Chehade.

Regarding Claims 6 – 7 and 19 - 20, such claims recite substantially similar limitations as claimed in previously rejected claims and, therefore, would have been obvious based upon previously rejected claims or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

Response to Arguments

Applicant's arguments with respect to pending have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. BORLINGHAUS whose telephone number is (571)272-6924. The examiner can normally be reached on Monday - Friday; 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason M Borlinghaus/
Examiner, Art Unit 3693
September 15, 2009

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